

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS for CS/SJR 1172 and SJR 1672

SPONSOR: Judiciary Committee, Ethics and Elections Committee and Senators Cowin and Posey

SUBJECT: Constitution/Amendment Ratification

DATE: April 15, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Greenbaum</u>	<u>Roberts</u>	<u>JU</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

CS for CS/SJR 1172 and SJR 1672 amends the requirements for placement of initiatives that amend or revise the Florida Constitution on the ballot. It provides that an amendment to or a revision of the constitution cannot be placed on the ballot for consideration by the voters unless the Florida Supreme Court has determined that the amendment or revision seeks to alter, amend, or repeal an existing article or amendment to the constitution, addresses a fundamental right of citizen of this state, or seeks to create, implement or otherwise change a basic structure of the state government.

This joint resolution substantially amends Article XI, section 5 of the Florida Constitution.

II. Present Situation:

The Florida Constitution provides that passage of an amendment to the Florida Constitution requires a majority vote of all the electors casting ballots on the measure. Art. XI, s. 5(d), Fla. Const.; *see also*, Art. X, s. 12(d), Fla. Const. It does not limit the subject matter that may be considered for incorporation into the constitution, although Art. XI, s. 3, Fla. Const., requires initiatives, other than those limiting the power of government to raise revenue, to embrace only one subject and matters directly connected thereto. The Attorney General is authorized by Art. IV, s. 10, Fla. Const., to seek the opinion of the Justices of the Supreme Court on the validity of initiatives filed pursuant to Art. XI, s. 3, Fla. Const.

III. Effect of Proposed Changes:

The committee substitute adds a requirement that an amendment to or a revision of the constitution cannot be placed on the ballot for consideration by the voters unless the Florida Supreme Court has determined that the amendment or revision seeks to alter, amend, or repeal an

existing article or amendment to the constitution, addresses a fundamental right of citizen of this state, or seeks to create, implement or otherwise change a basic structure of the state government.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending upon the length of the amendment: however, the cost per amendment is estimated to be approximately \$35,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Whether several of the initiative petitions that have been adopted in recent general elections, such as those concerning gestating pigs or the high-speed rail system, would pass muster under the provisions of this CS would be a matter for consideration by the Supreme Court.

Article III, s. 10, Fla. Const, directs the Attorney General to request the opinion of the Supreme Court on initiatives filed pursuant to Art. XI, s. 3, Fla. Const. It may be appropriate to amend this section to authorize the Attorney General to also seek the opinion of the Supreme Court on the subject requirements this CS amends onto Art. XI, s. 5, Fla. Const.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
